

20 January 2016

**Arcadia House, Cairo New Road
Old Town Croydon, CR0 1XP**

**in the London Borough of Croydon
planning application no. 15/04748/P**

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Redevelopment of the site to comprise a new part 4, part 14 storey building containing 113 residential units, an A1/A3/D1 unit at ground floor level and a new public square.

The applicant

The applicant is **Cairo Properties Limited** and the agent is **MRPP**. The architect is **S Williams Architects**.

Strategic issues

The residential-led mixed use redevelopment is in accordance with strategic policy objectives. Outstanding strategic planning issues relating to the **principle of development, housing and affordable housing, climate change** have been satisfactorily addressed. Outstanding issues with regard to **transport** have generally been satisfied.

The Council's decision

In this instance the Croydon Council has resolved to grant permission.

Recommendation

That the Croydon Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct that he is to be the local planning authority.

Context

1 On 30 November 2015, the Mayor of London received documents from the Croydon Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008:

"Development which comprises or includes the erection of a building (c) that is more than 30 metres high and is outside the City of London.

2 On 16 December 2015, the Mayor considered planning report D&P/3663/01, and subsequently advised the Croydon Council that while the application was generally acceptable in strategic planning terms, the application did not yet comply with the London Plan for the reasons set out in paragraph 86 of that report but that the possible remedies set out in the same paragraph could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 17 December 2015, Croydon Council resolved to grant planning permission for the application. On 29 December 2016 the Council advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application, and any connected application.

4 The Mayor's decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Update

5 At consultation stage Croydon Council was advised that the principle of the residential-led mixed use development was in general accordance with strategic planning policy. However, the proposal raised a number of strategic planning issues that needed to be resolved to comply with the London Plan. Addressing each of the points, the following is noted:

Principle of development

6 The applicant advised at consultation stage that it was willing to assist the Mountain of Fire and Miracle Ministries, which currently occupy the site, in seeking alternative accommodation in the event of planning permission being granted. This was to respond to the Mayor's strategic concern regarding the issue of worshippers not being able to find suitable premises in London. The Council has confirmed that a section 106 planning obligation is proposed to secure this commitment from the applicant to assist the Mountain of Fire and Miracle Ministries in seeking alternative accommodation, which is welcomed.

7 The Council was also advised at consultation stage to take account of the loss of industrial land against the indicative industrial land release benchmark figures set out in the Mayor's Land for Industry and Transport SPG when considering the change of use. The Council has considered this point, and notes the identification of the site as a residential opportunity site in the adopted Old Town Masterplan. The Council also notes the building's physical and locational deficiencies, the constrained shared access arrangement and the limited loading/unloading area to the rear of the building, which may not prove attractive to potential industrial and distribution occupiers. On this basis, the redevelopment for a residential-led scheme has been accepted by the Council. The Council also confirmed that the proposed A3 and D1 uses would be supported.

8 Having considered the points raised in the stage 1 report and the Council's assessment, issues relating to the principle of the development have been satisfactorily addressed.

Housing and affordable housing

9 At consultation stage, the delivery of affordable homes on site was strongly supported. However, it was not possible to determine whether the proposal provided the maximum reasonable amount of affordable housing, in accordance with London Plan Policy 3.12.

10 The applicant's viability report has been subject to independent assessment on behalf of the Council and shows that the development cannot support in excess of 15.5% affordable housing. The Council has secured this provision in the heads of terms, measured by habitable rooms on site with a tenure split of 61.5% affordable rent and 38.5% intermediate respectively, with the affordable rent provision within larger three bed dwellings. As such, it has been satisfactorily demonstrated that the scheme is delivering the maximum reasonable amount of affordable housing. The Council also confirmed that the housing mix would meet an identified need.

11 With regard to housing quality, conditions have been set by the Council to secure M4(2) and M4 (3) requirements to ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with the London Plan. The applicant has also confirmed that the floor to ceiling height will be generally 2.6 metres or more.

12 There are no outstanding issues in relation to housing and affordable housing.

Urban design and heritage

13 As requested at stage 1, a planning obligation has been secured through the S106 to ensure the same architects, or ones of a similar calibre, are retained through to build out.

14 In terms of heritage, the Council's view is that the proposals will result in less than substantial harm to the Church Street Conservation Area and to the row of Grade II Listed Buildings on Church Road fronting Minster Green. Whilst it is acknowledged that uninterrupted skyline will be broken by the development (altering the way in which the buildings are experienced within the predominantly low-rise character of Old Town), the public benefits of the scheme would outweigh the harm caused to the setting of heritage assets.

15 There are no outstanding design issues.

Climate change

16 At the consultation stage, it was noted that the scheme exceeded the London Plan targets in relation to energy, however further information regarding overheating and cooling was required.

17 The applicant has submitted an amended strategy including an overheating assessment with further information on shading and insulation measures to limit the effects of solar gain. This is welcomed, however, the applicant should reassess the scheme against the CIBSE overheating guidelines during detailed design with the aim of reducing the overheating risk further and to ensure that all spaces meet the CIBSE criteria.

18 The applicant has also provided sample modelling outputs supporting the efficiency savings claimed; information on the size and location of the energy centre; on the CHP operation and how the load profiles have been derived; information on the anticipated management arrangements for the system, including billing. The applicant has estimated that all of the electricity generated by the CHP will be used on-site and is therefore not proposing to engage with an Energy Service Company.

19 In addition, the Croydon Council has secured a condition (17) requiring the submission of a policy compliant energy statement.

20 Following various exchanges of information, the outstanding energy issues have been resolved. In relation to the proposed sustainable drainage and urban greening measures, these have been secured by condition (2) and (16) by the Council. As such the proposal complies with London Plan policies on climate change.

Transport for London's comments

21 At the initial consultation stage, the applicant was requested to re-design the access to the residential units to ensure it did not impact on the Reeves Corner tram stop and infrastructure. The ground floor layout has been amended on the plans, agreed with TfL. To ensure there is no negative impact on the Tram network through construction, a construction method statement has been secured by condition, including Tramlink requirements and will be developed and agreed with TfL.

22 Conditions are proposed to secure electric vehicle charging points, car club membership, cycle parking, a delivery and servicing plan and a travel plan. Residents would also been excluded from applying for parking permits within the local CPZ through the section 106 agreement. Although the blue badge parking has not been increased to meet London Plan standards, nine spaces have been secured.

23 Whilst a contribution has not been secured towards improvements identified in the Development Infrastructure Funding Study as requested, it is concluded that the application is in accordance with the transport policies of the London Plan and the other mitigation measures, including contributions to a new pedestrian link are noted.

Response to consultation

24 Croydon Council publicised the application by way site notices and received a total of 6 representations, comprising 5 letters of objections and 1 letter of support. A petition with 744 signatures was also received. The Mid Croydon Conservation Area Advisory Panel has responded to the consultation and considers that the development will have a detrimental impact on the conservation area. Amenity concerns were raised in the letters of objections in relation to loss of daylight/sunlight and privacy, overlooking, wind, disruptions during construction, access for pedestrians, impact on quality of life, impact on the character of the area, and loss of the Church and community programmes. Objections were also received in relation to the design, height, scale of the development, architecture of the building; and in relation to parking, traffic and congestion and the impact on the tram service.

25 In relation to the objections and points raised, these have been addressed in the Council report and strategic matters about design and transport in particular, have been addressed in this report and the initial Stage 1 consultation.

26 In terms of statutory consultees, the Environment Agency had no objections to the proposal subject to the imposition of 5 conditions relating to protection of ground water supplies. Historic England has confirmed that archaeological interest can be secured by the imposition of conditions. The Council has not received any comments from Historic England relating to heritage effects.

Article 7: Direction that the Mayor is to be the local planning authority

27 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage one, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

28 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

29 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

30 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

31 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

32 The principle of the residential-led mixed use redevelopment of the site is supported in accordance with strategic policy. The issues raised at consultation stage regarding the principle of development, housing and affordable housing, and climate change have been addressed and outstanding issues in relation to transport have generally been satisfied. As such, the application is now acceptable in strategic planning terms and there are no sound reasons for the Mayor to intervene in this particular case.

for further information, contact GLA Planning Unit (Development & Projects team):

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